

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7303

DANIEL L. STALEY,

Plaintiff - Appellant,

versus

KERSHAW CORRECTIONAL INSTITUTION; RICKY
HARRISON, Warden, in his official capacity;
LIEUTENANT SEWARD, in his individual capacity;
LIEUTENANT MILLER, in his individual capacity;
LIEUTENANT JENKINS, in his individual
capacity,

Defendants - Appellees.

No. 04-7304

DANIEL L. STALEY,

Plaintiff - Appellant,

versus

DOE SEWARD, Lieutenant in unofficial capacity;
RICKY HARRISON, Warden in official capacity;
KERSHAW CORRECTIONAL INSTITUTION,

Defendants - Appellees.

No. 04-7305

DANIEL L. STALEY,

Plaintiff - Appellant,

versus

KERSHAW CORRECTIONAL INSTITUTION; LIEUTENANT
MILLER; RICKY HARRISON, Warden, in his
official capacity; LIEUTENANT JENKINS,

Defendants - Appellees.

Appeals from the United States District Court for the District of
South Carolina, at Beaufort. Patrick Michael Duffy, District
Judge. (CA-03-3490-9-23; CA-03-3491-9-23; CA-03-3492-9-23)

Submitted: January 27, 2005

Decided: February 2, 2005

Before LUTTIG and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Daniel L. Staley, Appellant Pro Se. Matthew Penn Engen, MCCUTCHEN,
BLANTON, JOHNSON & BARNETTE, L.L.P., Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Daniel L. Staley appeals from the orders of the district court in these three actions, filed under 42 U.S.C. § 1983 (2000). The district court referred these cases to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). In each case the magistrate judge recommended that the complaint be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B) (2000), and advised Staley that failure to file specific objections to this recommendation could waive appellate review of a district court order based on the recommendation. Despite this warning, in each case Staley failed to file specific objections to the magistrate judge's recommendation. The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Staley has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED